

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6463 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE and
MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

(No. 1 to 5 NO)

SUO MOTU

Versus

DIPAK TEXTILE

Appearance:

SUO MOTU for Petitioner
MR KV SHELAT for Respondent No. 1
MR PRASHANT G DESAI for Respondent No. 3

CORAM : MR.JUSTICE S.D.DAVE and
MR.JUSTICE S.D.PANDIT

Date of decision: 16/02/98

ORAL JUDGEMENT

Per: S.D. Dave, J :-

Rule. Ld. counsel Mr. Harish Trivedi waives service of the rule for Respondent no.2 GPCB. Ld.

counsels Mr. Prashant Desai, Mr. Maulin Raval, and Mr. H.B. Shah waive service of the rule for rest of the Respondents.

The unit before us is M/s. Dipak Textile situated at Dani Limda, Ahmedabad. The unit along with so many other units had suffered the orders of closure. Ultimately under the orders in Special Civil Application No. 5361 of 1997 dated January 17, 1998, certain units have been permitted to recommence their activities. Very many conditions have been imposed, and there are obligations and counter obligations. We while recognising the present proceedings, permit the petitioner unit to commence the production as has been detailed in the said orders dated January 17, 1998. All the terms & conditions, obligations and counter obligations under the said orders shall be applicable in case of the present petitioner unit also.

In addition, it must be pointed out that, this unit was found to be indulging in carbonization. Now there is the undertaking coming from one Shri. Harishkumar B. Bhavsar, the proprietor of the unit saying that, the unit shall not undertake carbonizing process. This undertaking is taken on record and the unit shall have to act accordingly. The seals shall be open and power supply shall be restored as has been said in the earlier orders. The undertaking being presented by the petitioner unit be taken on record. Rule is made absolute accordingly. No order as to costs.

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